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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,916	07/28/2003	Hiroshi Koyama	116124	3623

25944 7590 03/06/2006

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EXAMINER

DAVIS, ROBERT B

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,916

Applicant(s)

KOYAMA ET AL.

Examiner

Robert B. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/28/03, 1/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-11, in the reply filed on September 15, 2005 is acknowledged. The traversal is on the ground(s) that examination of both the apparatus and method would not be a serious burden upon the Office. This is not found persuasive because of applicants allegation that joinder of these distinct inventions would not present a serious burden to the U. S. Patent and Trademark Office. This allegation relied on the unsupported assumption that the search and examination of both inventions would be coextensive. However, the issues raised in the examination of apparatus claims are divergent from those raised in the examination of process claims. Further, while there may be some overlap in the searches of the two inventions, there is no reason to believe that the searches would be identical. Therefore, based on the additional work involved in searching and examining both distinct inventions together, restriction of the distinct inventions is clearly proper.

The requirement is still deemed proper and is therefore made FINAL.

2. The species restriction between species A and B has been withdrawn.
3. Claims 12 and 13 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 15, 2005.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishida (DE 19954587 A1: figures 1-17).

Nishida teaches a manufacturing device for a synthetic resin hollow body (W), comprising: a first die (1) and a second die (2) which mold a first split assembly member (Wu), a second split assembly member (Wy) and a third split assembly member (Wf) which are molded by a first injection (right hand side of figure 6) and each has a contact portion that is jointed with a corresponding contact portion (Wg: see left hand side of figure 6 and figure 17); an ejection mechanism (65, 66, 67) which moves the third split assembly (Wf) in the die opening/closing direction (figure 13), such that a phase of assembly (Wf) is different in the opening/closing direction from the first two split assemblies (Wu and Wy), a rotating mechanism (51) which rotates at the third split assembly (Wf) around a shaft center in the die opening/closing direction (see figure 14) while the first and second dies are open; and a sliding mechanism (36, 37) which slides the second split assembly (Wy) in a direction perpendicular to the die opening/closing direction. The first die includes a passage (6, 29) for supplying molten resin as shown in figures 4 and 5. The first die has a second passage for forming the joining region (Wg) for the hollow body (W) as shown in figure 17.

Allowable Subject Matter

6. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teach or suggest the apparatus of claim 1, wherein the second die includes the ejecting mechanism, the rotating mechanism, and the sliding mechanism; while the first die and the second die are open, the second split assembly member is moved in the die opening/closing direction by the ejecting mechanism such that the phrases of the first split assembly member, the second split assembly member, and the third split assembly member are made different in the die opening/closing direction; the third split assembly are made different in the die opening/closing direction, the third die split assembly member is rotated around the shaft center in the die opening/closing direction by the rotating mechanism; and the second split assembly member, and the third split assembly are slid in a direction perpendicular to the die opening/closing direction by the sliding mechanism, whereby the first split assembly member, the second split assembly member, and the third split assembly member face one another in the die opening/closing direction. The closest prior art (Nishida DE 19954587 A1) teaches a rotating mechanism (51) that rotates a third split assembly (Wf), but the third split assembly does not slide along with the second split assembly as the rotating mechanism returns to the center position after depositing the third split assembly (Wf) atop the split assembly (Wy). The rotating

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mechanism and the sliding mechanism, respectively move element (Wy) by sliding and element (Wf) by rotating to the same position of the stationary element (Wu).

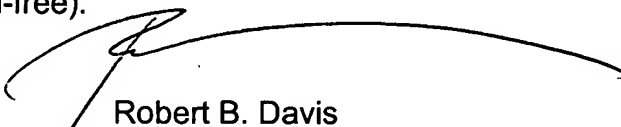
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references show the state of the art of molding apparatus for subsequently molding article portions to form a molded article.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert B. Davis
Primary Examiner
Art Unit 1722

3/2/06